

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUSSELL LUCIUS LAFFITTE,

Defendant.

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Docket No. 9:22-658

Charleston, SC

Volume IX

DATE: November 22, 2022

BEFORE THE HONORABLE RICHARD M. GERGEL  
UNITED STATES DISTRICT JUDGE, PRESIDING  
JURY TRIAL

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1 THE COURT: Is counsel ready? We have the jury.

2 The jury has arrived.

3 MS. LIMEHOUSE: The Government is, Your Honor.

4 MR. DANIEL: Yes, Your Honor.

5 THE COURT: Bring in the jury.

6 (Whereupon, the jury returns to open court at 9:13  
7 a.m.)

8 THE COURT: Please be seated. Please give the jury  
9 a copy of my charge. Ladies and gentlemen, you've just  
10 handed a copy of my final charge. When I started practicing  
11 law, the judge who would sit up in front of the jury with a  
12 bunch of books and charged the jury, I was always amazed with  
13 their capacity to do that. I'm never that good. I write out  
14 my jury charge. And then because they are complicated, I  
15 give them to my jury. And then I provide it to you and I  
16 read it to you and you follow me. Now, why do I do that? I  
17 do that because studies show you retain so much you hear.  
18 You retain additional amounts if you read it. And if you  
19 read it and hear it at the same time, you retain the greatest  
20 amount.

21 I know that there will be times you will want to  
22 refer to the charge. That's why you take it back to the jury  
23 room with you. And you will notice, and I will discuss it  
24 towards the end here, about the verdict form. The verdict  
25 form is organized in the same way as the charge. So as you

1 are -- the verdict form can be your outline for addressing  
2 the issues. And then the verdict form will give you the  
3 substantive law as to that. So there is a little method to  
4 my madness here.

5 Members of the jury, now that you have heard all the  
6 evidence and the arguments of the lawyers, it is my duty to  
7 instruct you on the law which applies to this case. These  
8 instructions will be in three parts: First, the instructions  
9 on the general rules that define and control your duties;  
10 second, the instructions that state the rules of law you must  
11 apply. That is what the Government must prove to make the  
12 case; and third, some rules for your deliberations.

13 First of all, let's talk about the general rules.  
14 The duty of the jury is to find facts and follow law. It is  
15 your duty to find the facts from all the evidence in the  
16 case. To those facts, you must apply the law as I give it to  
17 you. You must follow that law whether you agree with it or  
18 not. And you must not be influenced by any personal likes or  
19 dislikes, opinions, prejudice, or sympathy. That means you  
20 must decide the case solely on the evidence before you and  
21 according to the law. You will recall that you took an oath  
22 promising to do so in the beginning of the case.

23 In following my instructions, you must follow all of  
24 them and not single out some and ignore others. They are all  
25 equally important. And you must not read into these

1 instructions or into anything I have said or done any  
2 suggestion as to what verdict you should return. That is a  
3 matter entirely for you to decide.

4 Jury is to consider only this defendant. You are  
5 about to be asked to consider and decide independently  
6 whether the Government has proven beyond a reasonable doubt  
7 that defendant Laffitte is guilty of any of the crimes  
8 charged. You are not being asked whether any other person  
9 has been proven guilty. Your verdict should be based solely  
10 upon the evidence or lack of evidence as to this defendant in  
11 accordance with my instructions and with regard to whether  
12 the guilt of other persons has or has not been proven.

13 Let's talk about evidence for a minute. The  
14 evidence from which you are to decide what the facts are  
15 consists of, number one, the sworn testimony of witnesses,  
16 both on direct and cross-examination, regardless of who  
17 called the witness; second, the exhibits which have been  
18 received into evidence; and, third, any facts to which all  
19 the lawyers have agreed are stipulated.

20 It is also important to note what is not evidence.  
21 Let me identify some of these. In reaching your verdict, you  
22 may consider only the testimony, stipulations, and exhibits  
23 received into evidence. Certain things are not evidence and  
24 you may not consider them in deciding what the facts are. I  
25 will list several items which are not evidence: Number one,

1 arguments and statements by lawyers are not evidence. The  
2 lawyers are not witnesses. What they have said in their  
3 opening statements, closing arguments, and at other times is  
4 intended to help you interpret the evidence. But it is not  
5 evidence. If the facts as you remember them differ from the  
6 way the lawyers have stated them, your memory of them  
7 controls.

8           Number two, questions and objections by lawyers are  
9 not evidence. Attorneys have a duty to their clients to  
10 object when they believe a question is improper under the  
11 Rules of Evidence. You should not be influenced by the  
12 objection or by the Court's ruling on it. If the objection  
13 was sustained, you should disregard the question of the  
14 attorney. If the objection was overruled, treat the answer  
15 as you would any other.

16           Number three, testimony that has been excluded or  
17 stricken or that you have been instructed to disregard is not  
18 evidence and it must not be considered.

19           Fourth, lastly, you may not consider anything you  
20 may have seen or heard when the court was not in session.  
21 You are to decide the case solely on the evidence received at  
22 the trial.

23           Let's talk about the difference between direct and  
24 circumstantial evidence. As I explained to you at the  
25 beginning -- are we missing a page or anything there? I just

1 want to make sure.

2 JUROR: No.

3 THE COURT: Good. By the way, when you are copying  
4 this many pages, you may sometimes make a mistake. I always  
5 want to make sure we've got it. As I explained at the  
6 beginning of this trial, there are two kinds of evidence,  
7 direct and circumstantial. Direct evidence is direct proof  
8 of a fact, such as testimony of an eyewitness.  
9 Circumstantial evidence is indirect evidence, that is proof  
10 of a chain of facts from which you could find that another  
11 fact exists, even though it has not been proven directly.

12 It is for you to decide whether a fact has been  
13 proven by circumstantial evidence. In making that decision,  
14 you must consider all the evidence in light of reason, common  
15 sense, and experience.

16 You are entitled to consider both kinds of evidence,  
17 both direct and circumstantial. The law permits you to give  
18 equal weight to both, but it is for you to decide how much  
19 weight to give any evidence.

20 Exhibits. During the trial, several items were  
21 received into evidence. That might be an understatement. A  
22 lot of items were admitted into evidence. And by the way,  
23 they will go back to the jury room with you. During the  
24 trial, several items were received into evidence as exhibits.  
25 These exhibits will be sent into the jury room with you when

1 you begin to deliberate. You may examine the exhibits if you  
2 think it would help you in your deliberations.

3 Charts and summaries received in evidence. Certain  
4 charts and summaries have been received into evidence to  
5 illustrate facts brought out in the testimony of some  
6 witnesses. Charts and summaries are only as good as the  
7 underlying evidence that supports them. You should,  
8 therefore, give them only such weight you think the  
9 underlying evidence deserves.

10 Credibility of witnesses. In deciding what the  
11 facts are, you must consider all the evidence. In doing  
12 this, you must decide which testimony to believe and which  
13 testimony not to believe. You may disbelieve all or any part  
14 of any witness's testimony. In making that decision, you may  
15 take into account a number of factors, including the  
16 following: Number one, was the witness able to see or hear  
17 or know the things about which that witness testified?  
18 Secondly, how well could the witness recall and describe  
19 those things? Number three, what was the witness's manner  
20 while testifying? Four, did the witness have any interest in  
21 the outcome of this case or any bias or prejudice concerning  
22 any party or any matter involved in the case? Number five,  
23 how reasonable was the witness's testimony when considered in  
24 light of all the evidence in the case? Number six, was the  
25 witness's testimony contradicted by what that witness has



1 said or done at another time or by the testimony of other  
2 witnesses or by other evidence? And number seven, did the  
3 witness change his or her testimony in an effort to conform  
4 to other evidence in the case?

5 In deciding whether or not to believe a witness,  
6 keep in mind that people sometimes forget things. You need  
7 to consider whether a contradiction is an innocent lapse of  
8 memory or an intentional falsehood. And that may depend on  
9 whether it has to do with an important fact or with only a  
10 small detail.

11 Impeachment - inconsistent statements or conduct.  
12 The testimony of a witness may be discredited or impeached by  
13 showing that he or she previously made statements that are  
14 inconsistent with his or her present testimony. The earlier  
15 contradictory statements are admissible only to impeach the  
16 credibility of the witness and not to establish the truth of  
17 these sentences. It is true -- it is the province of you,  
18 the jury, to determine the weight, if any, to be given to the  
19 testimony of a witness who has been impeached.

20 Number of witnesses. The weight of the evidence is  
21 not necessarily determined by the number of witnesses  
22 testifying to the existence or nonexistence of any fact. You  
23 may find that the testimony of a smaller number of witnesses  
24 as to a fact is more persuasive than that of a greater number  
25 of witnesses or vice-versa. And you may find that they may

1 not -- they are not persuasive at all.

2 Law enforcement witnesses. You've heard the  
3 testimony of various law enforcement officials. The fact  
4 that a witness may be employed by the federal government or  
5 by state or local agency as a law enforcement official does  
6 not mean that his or her testimony is necessarily deserving  
7 of any more or less or greater or lesser weight than that of  
8 another witness. It is your decision, after reviewing all  
9 the evidence, whether to accept the testimony of the law  
10 enforcement witnesses and to give to that testimony whatever  
11 weight, if any, you find it deserves.

12 Other acts of the defendant. You've heard evidence  
13 that the defendant may have committed certain acts or wrongs  
14 not part of the pending charges against him. Evidence of  
15 such other acts or wrongs should be considered to prove --  
16 should not be considered to prove a defendant's bad character  
17 in order to show on a particular occasion that the defendant  
18 acted in accordance with that character. You may not  
19 consider this evidence in determining if the defendant  
20 committed the acts charged. Such evidence may be considered  
21 by you, however, for the limited purpose of proving the  
22 defendant's motive, intent, preparation, plan, knowledge, or  
23 absent of mistake to commit or in committing the crime  
24 charged.

25 Expert testimony. You have also heard testimony

1 from expert witnesses. An expert is allowed to express his  
2 or her opinion on those matters about which he or she has  
3 special knowledge and training. Expert testimony is  
4 presented to you on the theory that someone who is  
5 experienced in the field can assist you in understanding the  
6 evidence or in reaching an independent decision on the facts.  
7 In weighing expert's testimony, you may consider the expert's  
8 qualifications, opinions, reasons for testifying, as well as  
9 all of the other considerations ordinarily applied when you  
10 are deciding whether or not to believe a witness's testimony.  
11 You may give expert testimony whatever weight you find it  
12 deserves in light of all the evidence in the case. You  
13 should not, however, accept an expert witness's testimony  
14 merely because he or she is an expert on a particular matter,  
15 nor should you substitute it for your own reason, judgment,  
16 and common sense. The determination of the facts in this  
17 case rest solely with you, ladies and gentlemen of the jury.

18 The Government as a party. You are to perform the  
19 duty of finding the facts without bias or prejudice as to any  
20 party. You are to perform your final duty in an attitude of  
21 complete fairness and impartiality. The fact that the  
22 prosecution is brought in the name of the United States of  
23 America entitles the Government to no greater consideration  
24 than that afforded to any other party. By the same token,  
25 the Government is entitled to no less consideration. All

1 parties stand as equals at the bar of justice.

2 This case is important to the Government for the  
3 enforcement of criminal laws as a matter of prime concern to  
4 the community. Equally, it is important to the defendant who  
5 is charged with serious crimes.

6 Audio recording and transcript. Both an audio  
7 recording and certain conversations and -- of certain  
8 conversations and a transcript of the audio recording have  
9 been admitted into evidence. If you detect any discrepancy  
10 between the transcript and the audio recording, you may use  
11 the transcript as a guide in following the audio recording,  
12 but you are only to consider as evidence what you hear on the  
13 audio recording.

14 Let's talk about the presumption of innocence,  
15 burden of proof, and reasonable doubt. I instruct you that  
16 you must presume the defendant to be innocent of the crimes  
17 charged. Thus, the defendant, although accused of certain  
18 crimes, begins the trial with a clean slate, meaning with no  
19 evidence of any kind. The defendant, of course, is not on  
20 trial for any act or crime other than the crimes charged  
21 against him. The law permits nothing but legal evidence  
22 presented before the jury in court to be considered in  
23 support of any charge against the defendant. The presumption  
24 of innocence alone, therefore, is sufficient to acquit the  
25 defendant.

1           The burden is always upon the prosecution to prove  
2     the guilt beyond a reasonable doubt. This burden never  
3     shifts to the defendant. For the law never imposes upon a  
4     defendant in a criminal case the burden or duty of calling  
5     any witnesses or producing any evidence. The defendant is  
6     not obligated to produce any evidence by cross-examining the  
7     witnesses for the Government.

8           The Government is not required to prove the  
9     defendant's guilt beyond all possible doubt. The test is one  
10    of reasonable doubt. A reasonable doubt is a doubt based  
11    upon reason and common sense, the kind of doubt that would  
12    make a reasonable person hesitate to act. Proof beyond a  
13    reasonable doubt must, therefore, be proof of such a  
14    convincing character that a reasonable person would not  
15    hesitate to rely and act upon it in the most important of his  
16    or her own affairs.

17          Unless the Government proves beyond a reasonable  
18    doubt that the defendant has committed each and every element  
19    of the offenses charged, you must find the defendant not  
20    guilty of the offenses. If the jury views the evidence in  
21    the case as reasonably permitting either of two conclusions,  
22    one of them is innocence and the other of guilt, the jury  
23    must, of course, adopt the conclusion of innocence.

24          Sympathy. Under your oath as jurors, you are not to  
25    be swayed by sympathy. You are to be guided solely by the

1 evidence in this case. And the crucial question you must ask  
2 yourselves as you sift through the evidence is this: Has the  
3 Government proven the guilt of the defendant beyond a  
4 reasonable doubt? It is for you alone to decide whether the  
5 Government has proven that the defendant is guilty of the  
6 crimes charged solely on the basis of the evidence and  
7 subject to the law as I charge you. If you let fear or  
8 prejudice or bias or sympathy interfere with your thinking,  
9 there is a risk that you will not arrive at a true and just  
10 verdict.

11 Punishment. The question of possible punishment of  
12 the defendant is of no concern to the jury and should not in  
13 any sense enter or influence your deliberations. If a  
14 defendant in any case is found guilty, the duty of imposing a  
15 sentence rests exclusively upon the Court. Your function is  
16 to weigh the evidence in this case and to determine whether  
17 or not the Government has proven that the defendant is guilty  
18 beyond a reasonable doubt, solely upon the basis of such  
19 evidence. Under your oath as jurors, you cannot allow a  
20 consideration of the punishment which may be imposed upon a  
21 defendant if he is convicted to influence your verdict in any  
22 way.

23 Separate consideration. The Government has charged  
24 the defendant with six separate charges. Each charge is  
25 referred to as a separate count. The number of counts is not

1 evidence of guilt. And this should not influence your  
2 decision in any way. It is your duty to consider the  
3 evidence as it relates to each count by itself and to return  
4 a verdict for each count. For each count you must decide  
5 whether the Government has presented proof beyond a  
6 reasonable doubt that the defendant is guilty of that  
7 particular count. Your decision on one count, whether it is  
8 guilty or not guilty, should not influence your decision on  
9 the other counts unless you are specifically so instructed.

10 Now let me turn us to the instructions on the law.  
11 With these preliminary instructions in mind, let us turn now  
12 to the specific charges against the defendant. I remind you  
13 that a charge is only an accusation and must not be  
14 considered by you as evidence of the guilt of the defendant.

15 The defendant, Russell Laffitte, has been charged  
16 with six offenses. The offenses are: Count 1, conspiracy to  
17 commit wire fraud and bank fraud; 2, bank fraud; 3, wire  
18 fraud; Counts 4 through 6, three different counts of  
19 misapplication of bank funds.

20 The defendant has pled not guilty to all charges.  
21 The defendant is presumed innocent and the Government carries  
22 the burden of proving the defendant's guilt beyond a  
23 reasonable doubt. You may decide based on the evidence  
24 presented at trial and the law to find the defendant not  
25 guilty, guilty of one or more counts, or guilty of all

1 counts. Ladies and gentlemen, that is your decision to make.

2 I will now give you instructions on each count.

3 Count 1, conspiracy to commit wire fraud and bank fraud.

4 Count 1 charges defendant with conspiracy to commit wire

5 fraud and bank fraud. The Government alleges that the

6 conspiracy began no later than July of 2011 and continued

7 until at least October 2021. It is a crime to conspire with

8 someone else to commit wire fraud or bank fraud. Count 1

9 alleges that the object of the conspiracy was for the

10 defendant and the bank customer, which the record shows was

11 Alex Murdaugh, to obtain money and property by means of false

12 and fraudulent pretenses, representations, and promises, and

13 to defraud Murdaugh's personal injury clients.

14 Count 1 alleges that in furtherance of the

15 conspiracy, the defendant committed overt acts in furtherance

16 of the conspiracy as follows:

17 A. On or about December 21, 2011, the defendant

18 negotiated and distributed checks for \$309,581.46 and

19 \$325,000, funds belonging to Hakeem Pinkney and Natasha

20 Thomas, as directed by Alex Murdaugh;

21 B. On or about August 20, 2012, and continuing

22 through September 4, 2012, the defendant negotiated and

23 distributed a check for \$25,245.06, funds belonging to

24 Natasha Thomas as directed by Alex Murdaugh;

25 C. On or about February 8, 2013, the defendant



1 negotiated and distributed \$151,726.05 to Hannah Plyler at  
2 Alex Murdaugh's direction, knowing that the money belonged to  
3 the estate of Donna Badger and/or the estate's beneficiaries.  
4 Under the circumstance -- under the charges pending, Arthur  
5 Badger and the estate of Donna Badger are referred to  
6 collectively as the estate of Donna Badger.

7           Before we discuss bank fraud and wire fraud, I'm  
8 going to tell you about the law of conspiracy generally. A  
9 conspiracy is an agreement between two or more persons to  
10 join together to accomplish some unlawful purpose. It is a  
11 kind of partnership in crime in which each member becomes the  
12 agent of every other member. In order to find the defendant  
13 guilty of the conspiracy charged in Count 1, the Government  
14 must prove the following three elements beyond a reasonable  
15 doubt: Number one, that two or more people entered into a  
16 conspiracy, agreement or understanding, to commit an unlawful  
17 act; secondly, that at some time during the existence or life  
18 of the conspiracy, agreement or understanding, the defendant  
19 knew of the unlawful purpose of the agreement; and three,  
20 that the defendant joined in the agreement willfully with the  
21 intent to further the unlawful purpose.

22           The Government must prove that the conspiracy came  
23 into existence during or reasonably near the period of time  
24 charged, and that the defendant knowingly joined in the  
25 conspiracy within or reasonably near the same time period.

1 A conspiracy makes exist even if a conspiraator does  
2 not agree to commit or facilitate each and every part of the  
3 substantive offense. The partners in a criminal plan must  
4 agree to pursue the same criminal objective and may divide up  
5 the work, yet, each is responsible for the acts of the other.

6 You may find that the defendant was a member of the  
7 conspiracy only from the evidence presented that relates to  
8 his own conduct, acts, or statements made in connection with  
9 this conspiracy. Along with other evidence, the statements  
10 and actions of an alleged co-conspirator may be considered in  
11 determining the existence of a conspiracy.

12 The essence of the crime of conspiracy is an  
13 agreement to commit a criminal act. But there does not have  
14 to be evidence that the agreement was specific or explicit.  
15 By its very nature, a conspiracy is clandestine and covert,  
16 thereby frequently resulting in little direct evidence of  
17 such an agreement. Therefore, the Government may prove a  
18 conspiracy by direct or circumstantial evidence.  
19 Circumstantial evidence tending to prove a conspiracy may  
20 consist of a defendant's relationship with another member of  
21 the a conspiracy, the length of the association, and the  
22 defendant's attitude and conduct and the nature of the  
23 conspiracy.

24 Because the essence of a conspiracy offense is the  
25 making of the agreement itself, it's not necessary for the

1 Government to prove that the conspirators actually succeeded  
2 in accomplishing their unlawful plan.

3 One may be a member of a conspiracy without knowing  
4 the full scope of the conspiracy and without taking part in  
5 the full range of its activities or over the whole period of  
6 its existence. The conspiracy does not need a discrete,  
7 identifiable organizational structure. The fact that a  
8 conspiracy is loosely knit, haphazard, or ill-conceived, does  
9 not render it any less a conspiracy. The Government need not  
10 prove that the defendant knew the particulars of the  
11 conspiracy. It is sufficient that if he played only a miner  
12 part in the conspiracy, thus, a variety of conduct can  
13 constitute participation in a conspiracy.

14 Once it has been shown that a conspiracy exists, the  
15 evidence need only establish a slight connection between a  
16 defendant and the conspiracy. The Government must prove --  
17 must, however, produce evidence to prove the defendant's  
18 connection to the conspiracy beyond a reasonable doubt.

19 A conspirator must intend to further an endeavor  
20 which, if completed, would be a federal crime. It is enough  
21 that the defendant adopts the goal of furthering or  
22 facilitating the criminal endeavor through participation. He  
23 may do so in any number of ways without agreeing to undertake  
24 all the acts necessary for the crime's completion. One can  
25 be a conspirator by agreeing to facilitate only some of the

1 acts leading to the criminal objective.

2           The defendant's presence at the scene of criminal  
3 activity is material and probative in the totality of the  
4 circumstances in determining the defendant's participation in  
5 the conspiracy. You may find knowledge and voluntary  
6 participation from evidence of presence when the presence is  
7 such that it would be unreasonable for anyone other than a  
8 knowledgeable participant in the conspiracy to be present.  
9 But mere presence at the scene of an alleged transaction or  
10 event, mere association with persons conducting the alleged  
11 activity, and mere similarity of conduct among various  
12 persons, and the fact they may have been associated with each  
13 other and may have assembled together and discussed common  
14 aims and interest, does not necessarily establish proof of  
15 the existence of a conspiracy. Also, a person who has no  
16 know of a conspiracy but who happens to act in a way which  
17 advances some object or purpose of the conspiracy, does not  
18 thereby become a conspirator.

19           As I previously stated, Count 1 charges the  
20 defendant with conspiring to commit wire fraud or bank fraud.  
21 Under the law -- and/or bank fraud. Under the law  
22 participating in a conspiracy to commit a crime is an  
23 entirely separate and distinct charge for the actual  
24 violation of the substantive offense that may be the object  
25 of the conspiracy. In addition, the Government need not

1 prove a conspiracy to commit both wire fraud and bank fraud.  
2 If the elements of either are proven as the object of the  
3 conspiracy, it is sufficient to sustain a conviction on Count  
4 1.

5           The defendant's liability for substantive offenses  
6 committed by a co-conspirator. A defendant may be held  
7 liable for the -- for other crimes committed by a  
8 co-conspirator during the life of the conspiracy when the  
9 commission of such other acts was reasonably foreseeable and  
10 in furtherance of and within the scope of the conspiracy.  
11 Thus, under these circumstances, a defendant may be found  
12 guilty of these other crimes committed by his co-conspirator  
13 even though he did not participate directly in the acts  
14 constituting the offense.

15           If you find that the Government has proven the  
16 defendant guilty of conspiracy as charged in Count 1 beyond a  
17 reasonable doubt, and if you find beyond a reasonable doubt  
18 that while the defendant was a member of the conspiracy, the  
19 defendant's co-conspirator committed the offenses in Count 2  
20 and/or Count 3 in furtherance of or as reasonably foreseeable  
21 or natural consequence and within the scope of the  
22 conspiracy, then you may find the defendant guilty of Count 2  
23 and/or Count 3.

24           Let's talk about Count 2. We were first talking  
25 about conspiracy. We are now moving to what we call

1 substantive offenses. The first of these Count 2 is bank  
2 fraud. Count 2 charges the defendant with bank fraud and  
3 aiding and abetting bank fraud. The Government alleges that  
4 on or about September 13th, 2013, the defendant, with Alex  
5 Murdaugh, knowingly executed and attempt to execute a scheme  
6 or artifice to obtain money and funds under the custody and  
7 control of Palmetto State Bank, an FDIC financial  
8 institution, by means of false and fraudulent pretenses,  
9 representations, and promises, and aided and abetted Alex  
10 Murdaugh by negotiating and distributing a check totaling  
11 \$101,369.49 to Hannah Plyler knowing that the funds belonged  
12 to the estate of Donna Badger and/or the estate's  
13 beneficiaries.

14 It is a crime to commit bank fraud. For you to find  
15 the defendant guilty, the Government must prove each of the  
16 following four elements beyond a reasonable doubt: Number  
17 one, that the defendant knowingly executed or attempted to  
18 execute a scheme or artifice to obtain any of the moneys,  
19 funds, credits, assets, securities, or other property owned  
20 by or under the custody of a financial institution by means  
21 of false and fraudulent pretenses, representations, or  
22 promises; secondly, that the false or fraudulent pretenses,  
23 representation or promises were about a material fact; third,  
24 that the defendant executed and attempted to execute the  
25 scheme with the intent to defraud; and fourth, that at the

1 time of the execution of this scheme, the financial  
2 institution was federally insured.

3 Let's look at a couple of these definitions. A  
4 scheme or artifice includes any deliberate plan or course of  
5 action intended to deceive or cheat others.

6 To "defraud" means wronging one in his property  
7 rights by dishonest methods or schemes and usually signifies  
8 the deprivation of something of value by trick, deceit,  
9 chicanery, or overreaching.

10 A "scheme or artifice to obtain" means to pursue any  
11 plan or course of action intended to indirectly obtain assets  
12 of a financial institution by false or fraudulently  
13 pretenses, representations, or promises.

14 "By means of" can be satisfied when the alleged  
15 falsity or fraud is the mechanism naturally inducing a bank  
16 to part with money in its control.

17 A statement or representation is false or fraudulent  
18 if known to be untrue or made with reckless indifference as  
19 to the truth or falsity, and made or caused to be made with  
20 the intent to deceive or defraud or when it constitutes a  
21 half truth or effectively omits or conceals a material fact,  
22 provided it is made with the intent to defraud.

23 To act with the "intent to defraud" means to act  
24 with a specific intent to deceive or cheat. Ordinarily for  
25 the purpose of either causing some financial loss to another

1 or bringing about some financial gain to oneself. It is not  
2 necessary, however, to prove that anyone who was, in fact,  
3 defrauded, as long as it's establish that the defendant acted  
4 with the intent to defraud or mislead.

5 A statement is material if it has the natural  
6 tendency to influence or is capable of influencing the  
7 decision-making body to which it was addressed. It is  
8 irrelevant whether the false statement actually influenced or  
9 affected the decision-making process of a fact-finding body.  
10 A false statement's capacity to influence words must be  
11 measured at the point in time that the statement was made.  
12 In other words, it concerns what a reasonable financial  
13 institution would want to know in negotiating a particular  
14 transaction.

15 A "financial institution" as used in the bank fraud  
16 charge, means an insured depository institution, to include a  
17 banker insured by the Federal Deposit Insurance Corporation.

18 I mentioned a moment ago that Count 2 charges the  
19 defendant with both bank fraud and aiding and abetting bank  
20 fraud. The Government has also charged the defendant with  
21 aiding and abetting in Counts 3 through 6. Simply put,  
22 aiding and abetting means to assist the perpetrator of a  
23 crime. After I address each of the counts, I will address in  
24 detail the requirements for the Government to establish a  
25 defendant guilty of aiding and abetting the crimes of



1 another.

2 Count 3, wire fraud. Count 3 charges the defendant  
3 with wire fraud and aiding and abetting wire fraud. Count 3  
4 alleges that on or about September 13, 2013, the defendant,  
5 with Alex Murdaugh, devised a scheme and artifice to defraud  
6 and to obtain money and property by means of false and  
7 fraudulent pretenses, representations, and promises,  
8 transmitted and caused to be transmitted by means of wire and  
9 interstate commerce, writings, signs, and signals, for the  
10 purposes of executing such a scheme and artifice, and that he  
11 obtained funds as a personal representative belonging to the  
12 estate of Donna Badger and/or the estate's beneficiaries, and  
13 distributed \$33,789.83 to Murdaugh's personal bank account,  
14 affecting a financial institution.

15 It is a crime to commit wire fraud. For you to find  
16 the defendant guilty of wire fraud, the Government must prove  
17 each of the following five elements beyond a reasonable  
18 doubt: Number one, the defendant knowingly devised or  
19 intended to devise a scheme or artifice to defraud or for  
20 obtaining money or property by means of false or fraudulent  
21 pretenses, representations, or promises; number two, the  
22 false or fraudulent pretenses, representations, or promises,  
23 were about a material matter; number three, the defendant  
24 acted with the intent to defraud; number four, in advancing,  
25 furthering, or carrying out this scheme, the defendant

1 transmitted or caused to be transmitted by wire communication  
2 in interstate or foreign commerce any writings, signs, or  
3 signals; and number five, that the scheme affected a  
4 financial institution.

5 A "scheme or artifice" includes any plan or course  
6 of action intended to deceive others and to obtain by either  
7 false or fraudulent pretenses, representations, or promises,  
8 money from persons who were so deceived.

9 A scheme or artifice to defraud may describe a  
10 departure from fundamental honesty, moral uprightness, or  
11 fair play and candid business dealings in the general life of  
12 the community. There must be proof of misrepresentation,  
13 false statement, or omission calculated to deceive a person  
14 of ordinary prudence and comprehension.

15 A statement or representation is false or fraudulent  
16 if known to be untrue or made with reckless indifference as  
17 to the falsity made or caused to be made with the intent to  
18 deceive or defraud, or when it constitutes a half truth, or  
19 effectively omits or conceals a material fact, provided it is  
20 made with the intent to defraud.

21 A scheme to defraud requires that the Government  
22 prove that the defendant acted with the specific intent to  
23 deceive or cheat for the purpose of either causing some  
24 financial loss to another or bringing about some financial  
25 gain to oneself. Thus, the Government must prove beyond a

1 reasonable doubt that the defendant intended to deceive  
2 someone through the scheme. A scheme to defraud can be shown  
3 by deceptive acts or contrivances intended to hide  
4 information, mislead, avoid suspicion, or avert further  
5 inquiry into a material matter.

6 It is not necessary, however, to prove that anyone  
7 was, in fact, defrauded, as long as it is established that  
8 the defendant acted with the intent to defraud or mislead.

9 A statement is material if it has the natural  
10 tendency to influence or is capable of influencing the  
11 decision-making body to which it was addressed. It is  
12 irrelevant whether the false statement actually influenced or  
13 affected the decision-making process of the agency or  
14 fact-finding body. A false statement's capacity to influence  
15 must be measured at the point in time that the statement was  
16 made.

17 The Government is not required to prove that the  
18 material sent by wire was itself false or fraudulently or  
19 that the alleged scheme actually succeeded in defrauding  
20 anyone, or that the use of the wire was intended as specific  
21 or exclusive means of accomplishing the alleged fraud.

22 What the Government must prove beyond a reasonable  
23 doubt is that the defendant knowingly devised or intended to  
24 devise a scheme to defraud that was substantially the same as  
25 alleged in Count 3, and that the use of the wire was closely

1 related to the scheme, and that the defendant either wired  
2 something or caused it to be wired for the purposes of  
3 carrying out of the scheme.

4 To establish the crime of wire fraud, the Government  
5 must prove beyond a reasonable doubt that an interstate  
6 communication or facility was used in furtherance of the  
7 scheme or was incidental to the essential -- to an essential  
8 part of the scheme. This requires a showing that the  
9 defendant transmitted or caused to be transmitted any  
10 writing, signs, or signals of some kind by means of wire  
11 communication in interstate commerce. Interstate commerce  
12 includes commerce between one state and another.

13 It is not necessary for the defendant to be directly  
14 or personally involved in the interstate transmission, so  
15 long as such transmission was reasonably foreseeable in the  
16 execution of the alleged scheme and which the defendant is  
17 accused of participating. This does not mean that the  
18 defendant must have specifically authorized others to make  
19 the transmission. When one does an act with knowledge that  
20 the use of interstate transmission will follow in the  
21 ordinary course of business or where such use can be  
22 reasonably foreseen, even though not actually intended, then  
23 he causes the interstate transmission to be made. The  
24 interstate transmission need not in and of itself be  
25 fraudulent to constitute an offense under this statute. That

1 material that was transmitted may be totally innocent. The  
2 use of the interstate transmission does not need to be an  
3 essential part of the fraudulent scheme. But the Government  
4 must prove that the interstate transmission played a  
5 significant part in the execution of the scheme.

6 A "financial institution" includes an insured  
7 depository institution, to include a bank insured by the  
8 Federal Deposit Insurance Corporation. The scheme to defraud  
9 must have affected that -- a financial institution, meaning  
10 that the financial institution itself was victimized by the  
11 fraud, as opposed to the scheme's mere utilization of the  
12 financial institution and the transfer of funds.

13 Now, let's move on to Counts 4 through 6, which all  
14 involve allegations of misapplication of bank funds. Counts  
15 4, 5, and 6 charge the defendant with misapplication of bank  
16 funds in aiding and abetting the misapplication of bank  
17 funds. These three counts charge violations of the same  
18 statute. And I will group them together to simplify the  
19 instructions. You must consider each count and the evidence  
20 pertaining to each count separately.

21 Count 4 alleges that on or about October 28, 2021,  
22 the defendant, while an officer, director, agent, or employee  
23 of Palmetto State Bank, a financial institution insured by  
24 the FDIC, with the intent to injure or defraud the bank,  
25 willfully misapplied, abstracted, and purloined moneys,

1 funds, and credits entrusted to the custody and care of the  
2 bank, by distributing \$680,000 to the Peters Murdaugh Parker  
3 Eltzroth & Detrick Law Firm, without notice to or consent  
4 from the bank Board of Directors, knowing that he previously  
5 fraudulently transferred the money to Alex Murdaugh.

6 Count 5 alleges that on or about July 15, 2021, and  
7 continuing until August 18th, 2021, the defendant, while an  
8 officer, director, agent, or employee of the bank, a  
9 financial institution insured by the FDIC, with the intent to  
10 injure or defraud the bank, willfully misapplied, abstracted,  
11 and purloined moneys, funds, and credits entrusted to the  
12 custody and care of the bank by funding a \$750,000 commercial  
13 loan to Alex Murdaugh for beach house renovations with  
14 preferential lending terms, including insufficient  
15 collateral, knowing that the loan was essentially unsecured  
16 and that the loan proceeds would be and were used for other  
17 purposes, namely, to pay another attorney and to cover  
18 hundreds of thousands of dollars in overdrafts of Murdaugh's  
19 personal account at the bank.

20 Count 6 alleges that on or about February 20, 2015,  
21 the defendant, while an officer, director, agent, or employee  
22 of the bank, a financial institution insured by the FDIC,  
23 with the intent to injury or defraud the bank, willfully  
24 misapplied, abstracted, and purloined moneys and funds and  
25 credits entrusted to the custody of the bank by funding a

1 \$500,000 line of credit to Alex Murdaugh for farming, and  
2 thereafter, issued a \$284,787.52 cashier check knowing that  
3 the proceeds would be and were to be used for other purposes,  
4 namely, to pay off loans previously extended from Hannah  
5 Plyler's conservatorship account.

6 It is a crime to misapply bank funds. For you to  
7 find the defendant guilty, the Government must prove each of  
8 the five elements beyond a reasonable doubt: Number one, the  
9 defendant was an officer, agent, or employee, or connected in  
10 some capacity with the bank at the time charged; second, the  
11 accounts of the bank were federally insured at the time as  
12 alleged; number three, the defendant abstracted, purloined,  
13 or misapplied more than \$1,000 in moneys, funds, or credits  
14 belonging to or entrusted to the care of the bank; number  
15 four, the defendant did so willfully; and five, the defendant  
16 did so with the intent to inflict financial injury to the  
17 bank or to defraud the bank.

18 To "abstract" means to take or withdraw from the  
19 possession or control of the bank the moneys and funds  
20 alleged to be so abstracted, without the knowledge and  
21 consent of the bank, and with the intent to injure or defraud  
22 the bank.

23 To "misapply" a bank's money or property means the  
24 willful conversion or taking by a bank employee of such money  
25 or property for his own use or benefit or the use and benefit

1 of another whether or not such money or property has been  
2 entrusted to its care and with the intent to defraud. It is  
3 not necessary that the defendant be in actual possession of  
4 the money or property by virtue of a trust committed to him.

5 "Intent to injure or defraud" can be established by  
6 proving that the defendant acted in reckless disregard of the  
7 bank's interest. To act with intent to injure or defraud  
8 means to act with intent to deceive or cheat for the purpose  
9 of causing a financial loss to the bank, although it is not  
10 necessary that the bank has suffered an actual loss, or to  
11 bring financial gain or benefit to one's self.

12 Intent to injure includes only pecuniary loss to the  
13 bank. The evidence does not have to show that the bank  
14 actually lost money as a result of a misapplication of funds,  
15 nor is proof of the personal gain necessary. It is  
16 sufficient that the defendant at least temporarily deprived  
17 the bank of the possession, control, or use of the funds. It  
18 is not essential that the proof show that the defendant  
19 intended to deprive the bank of its property permanently.

20 Now, I want to go back to this issue of aiding and  
21 abetting, which applies to Counts 2, 3, 4, 5, and 6. I  
22 previously mentioned to you that Counts 3 -- 2 through 6 for  
23 bank fraud, wire fraud, and misapplication of bank funds,  
24 also charge the defendant with violating the aiding and  
25 abetting statute, which makes it a crime to aid and abet



1 another person to commit a crime. The guilt of an accused in  
2 a criminal case may be established without proof that he  
3 personally did every act constituting the offense alleged.  
4 The law recognizes that ordinarily anything a person can do  
5 for himself may also be accomplished by him through the  
6 direction of another person as his agent or by acting in  
7 concert with or under the direction of another person or  
8 persons in a joint effort or enterprise.

9 In order for the defendant to be found guilty of  
10 aiding and abetting the commission of the crime charged in  
11 Counts 2 through Count 6, the Government must prove beyond a  
12 reasonable doubt the following: One, the crime charged was,  
13 in fact, committed by someone other than the defendant;  
14 number two, the defendant participated in the criminal  
15 venture as in something that he wished to bring about; number  
16 three, the defendant associated himself with the criminal  
17 venture knowingly and voluntarily; and four, the defendant  
18 sought by his actions to make the criminal venture succeed.

19 Simply put, aiding and abetting means to assist the  
20 perpetrator of the crime. One who aids and abets, counsels,  
21 commands, induces, or procures the commission of an act is  
22 responsible for that act as if he committed it directly.

23 To prove association, the Government must show  
24 beyond a reasonable doubt that the defendant shared in the  
25 criminal intent of the person committing the crime. This

1 requires evidence that the defendant was aware of their  
2 criminal intent and the unlawful nature of the criminal acts.

3 Evidence that the defendant merely brought about the  
4 arrangement that made the criminal act possible does not  
5 alone support a conclusion that a defendant was aware of the  
6 criminal nature of the act.

7 The Government is not required to prove that the  
8 defendant participated at every stage of the illegal venture,  
9 but the Government is required to prove beyond a reasonable  
10 doubt that the defendant participated at some stage, and that  
11 the participation was accompanied by knowledge of the result  
12 and the intent to bring about that result.

13 The Government must prove beyond a reasonable doubt  
14 that the defendant engaged in some affirmative conduct, that  
15 is, that the defendant committed an act designed to aid in  
16 the success of the venture, and that the defendant shared in  
17 the criminal intent of the person the defendant was aiding  
18 and abetting.

19 It is not necessarily the person who aided and  
20 abetted be tried and convicted of the offense. The  
21 Government must prove beyond a reasonable doubt that the  
22 underlying crime was committed by some person and that the  
23 defendant aided and abetted that person.

24 If two persons act in concert with a common purpose  
25 or design to commit an unlawful act, then the act of one of

1       them in furtherance of the unlawful act is in the law  
2       considered the act of the other.

3               The Government must prove beyond a reasonable doubt  
4       that the defendant counseled and advised the commission of  
5       the crime, and that the counsel and advice influenced the  
6       perpetration of the crime. There is no requirement that  
7       fixes a time limit within which the crime must be committed.

8               If the person who was assisted or induced commits  
9       the crime he was assisted or induced to commit, then the  
10       person who assisted or induced him is guilty of aiding and  
11       abetting. The Government must prove beyond a reasonable  
12       doubt that the defendant participated in the crime charged.

13              The mere presence of a defendant where a crime is  
14       being committed, even coupled with knowledge by a defendant  
15       that the crime is being committed or the mere acquiescence by  
16       a defendant in the criminal conduct of others even when  
17       guilty knowledge is not -- even with guilty knowledge, is not  
18       sufficient to establish guilt. However, the jury may find  
19       knowledge and voluntary participation from evidence or  
20       presence when the presence is such that it would be  
21       unreasonable for anyone other than a knowledgeable  
22       participant to be present.

23              Let me address some definitions here. To commit an  
24       act "intentionally" is to do so deliberately and not by  
25       accident.

1           To act "knowingly" is to act with knowledge of the  
2 facts that constitute the offense, but not necessarily with  
3 knowledge that the facts amount to illegal conduct. An act  
4 is done knowingly if the defendant is aware of the act and  
5 does not act through ignorance, mistake, or accident. And  
6 the Government is not required to prove that a defendant knew  
7 that his acts or omissions were unlawful.

8           A person acts "willfully" if he acts intentionally  
9 and purposely and with the intent to do something the law  
10 forbids, that is, with the bad purpose to disobey or to  
11 disregard the law. The person need not be aware of the  
12 specific law or rule that his conduct may be violating, but  
13 he must act with the intent to do something that the law  
14 forbids. A willful act is one undertaken with a bad purpose.  
15 In other words, in order to establish a willful violation of  
16 a statute, the Government must prove that the defendant acted  
17 with knowledge that his conduct was unlawful.

18           Motive. Intent and motive should never be  
19 confused. Motive is what prompts a person to act or not to  
20 act. Intent refers to the state of mind with which an act is  
21 done or omitted. Personal advancement and financial gain are  
22 two well-recognized motives for much of human conduct. These  
23 motives may prompt one person to do voluntarily acts of good  
24 and another person to voluntary acts of crime. Good motive  
25 alone is never a defense where the act done or omitted is a

1 crime. So the motive of the defendant is immaterial, except  
2 insofar as evidence of motive may aid you in determining --  
3 in your determination of state of mind or intent.

4 Proof of knowledge or intent. The intent of a  
5 person or the knowledge that a person possesses at any given  
6 time may not ordinarily be proven directly because there is  
7 no way of directly scrutinizing the workings of the human  
8 mind. In determining that the issue of what a person knew or  
9 what a person intended at a particular time, you may consider  
10 any of the statements made or acts done by the person, and  
11 all other facts and circumstances received in evidence that  
12 may aid you in the determination of that person's knowledge  
13 or intent.

14 It is reasonable to infer that a person ordinarily  
15 intends the natural and probable consequences of acts  
16 knowingly done or knowingly omitted. The jury may draw the  
17 inference that the defendant intended all the consequences  
18 which one standing in like circumstances and possessing like  
19 knowledge should reasonably expected the result from any act  
20 knowingly done or knowingly omitted by the defendant. Any  
21 such inference drawn is entitled to be considered by the jury  
22 in determining whether or not the Government has proven --  
23 has proved beyond a reasonable doubt that the defendant  
24 possessed the required criminal intent.

25 Willful blindness. The element of knowledge may be

1 satisfied by inferences drawn from proof that a defendant  
2 deliberately closed his eyes to what would otherwise have  
3 been obvious to him. A finding beyond a reasonable doubt of  
4 a conscious purpose to avoid enlightenment would permit an  
5 inference of knowledge. Stated another way, a defendant's  
6 knowledge of a fact may be inferred from willful blindness to  
7 the existence of a fact. A showing of negligence or mistake  
8 is not sufficient to support a finding of willfulness or  
9 knowledge. It is entirely up to you to determine whether you  
10 find any deliberate closing of the eyes and inferences to be  
11 drawn from any such evidence.

12 Good faith. The defendant has raised the defense of  
13 good faith. Good faith is a complete defense to the charged  
14 offenses, because good faith is simply inconsistent with the  
15 intent to defraud or to obtain money or property by means of  
16 false or fraudulent pretenses, representations, or promises.  
17 While the term "good faith" has no precise definition, it  
18 encompasses, among other things, a belief or opinion honestly  
19 held in absence of malice or ill will, and an intention to  
20 avoid taking unfair advantage of another.

21 A person who acts on a belief or an opinion honestly  
22 held is not punishable for wire fraud or bank fraud merely  
23 because the belief or opinion turns out to be inaccurate,  
24 incorrect, or wrong. An honest mistake does not rise to the  
25 level of intent to defraud.

1           However, even though the defendant honestly holds a  
2     certain opinion or belief, a defendant does not act in good  
3     faith if he also intentionally makes or gives falls or  
4     fraudulent representations, promises, or responses to others.  
5     No amount of honest belief that an enterprise will eventually  
6     succeed can excuse willful misrepresentations.

7           If the defendant participated in the scheme to  
8     defraud, then a belief by the defendant, if such a belief  
9     existed, that ultimately everything would work out so that no  
10    one would lose any money does not require a finding by you  
11    that the defendant acted in good faith. If the defendant  
12    participated in the scheme for the purpose of causing some  
13    financial or property loss to another, then no amount of  
14    honest belief on the part of the defendant that the scheme  
15    would not cause a loss would excuse fraudulent actions or  
16    fraudulent representations by him. A defendant's belief that  
17    the victim of the fraud would be paid in the future or will  
18    sustain no economic loss is no defense to the crimes charged.  
19    The intent to repay eventually is not relevant to the  
20    question of guilt.

21           The burden of proving good faith does not rest with  
22    the defendant. Because the defendant does not have an  
23    obligation to prove anything in the case. Rather, the burden  
24    is on the Government to prove its case beyond a reasonable  
25    doubt.

1           Good character. When a defendant is offered  
2 evidence of good general reputation for honesty and  
3 integrity, you should consider such evidence along with all  
4 other evidence in the case. Evidence of a defendant's  
5 reputation inconsistent with those traits of character  
6 ordinarily involved in the commission of a crime charged may  
7 give rise to reasonable doubt, so that you may think it is  
8 improbable that a person of good character in respect to  
9 those traits would commit such a crime. You should always  
10 bear in mind, however, that the law never imposes upon a  
11 defendant the burden or duty of calling any witness or  
12 producing any evidence.

13           Reputation of the defendant's good character when  
14 put into evidence is a fact which you should consider with  
15 the other facts in the case. And further, that reputation  
16 for good character is a fact which, when considered in  
17 connection with all the other evidence in the case, may, like  
18 other facts, generate a reasonable doubt.

19           Now, let's talk about rules for your deliberations.  
20 I have now instructed you on the law relating to the counts  
21 brought against the defendant Laffitte. I will now give you  
22 a few final instructions regarding your deliberations and  
23 return a verdict.

24           You, the jury, will select your foreperson. The  
25 foreperson will preside over the deliberations and speak for



1 the jury here in court. When you retire to the jury room,  
2 you should discuss the case with your fellow jurors, and  
3 reach an agreement, if you can do so.

4 And let me say this. I will send you out when I  
5 finish this charge. And you are not yet to begin your  
6 deliberation until Ms. Perry brings you the exhibits, but  
7 that is an ideal time for you to select your foreperson.

8 Your verdict must be unanimous. Each of you must  
9 decide the case for yourself. But you should do so only  
10 after you have considered all the evidence, discussed it  
11 fully with the other jurors, and listened to the view of your  
12 fellow jurors. Do not be afraid to change your opinion if  
13 the discussion persuades you that you should. But do not  
14 come to a decision simply because other jurors think it is  
15 right. It is important that you attempt to reach a unanimous  
16 verdict, but you must not change an honest belief about the  
17 weight or effect of the evidence simply to reach a unanimous  
18 verdict.

19 During your deliberations you must not communicate  
20 with or provide any information to anyone by any means about  
21 this case. You may not use any electronic device or media,  
22 such as a telephone, cell phone, smartphone, iPhone, or  
23 computer, the Internet or any text or instant messaging  
24 service, or any Internet chat room, blog, or website, such as  
25 Facebook, LinkedIn, YouTube, or Twitter, to communicate with

1 anyone of any information about this case, or to conduct any  
2 reasonable -- or conduct any research about this case until I  
3 accept your verdict.

4 Instructions regarding use of notes. I've noticed  
5 many of you have taken notes, which is fully understandable  
6 and appropriate. When you retire to deliberate at the end of  
7 the trial, you may take your notes back to the jury room with  
8 you. But, again, only for your own personal use. Your notes  
9 should not be shown or read to other jurors. Those are for  
10 your personal use.

11 Return of a verdict. After you have reached  
12 unanimous agreement on a verdict, your foreperson will fill  
13 out the verdict form that has been given to you for you to  
14 sign and date and advise the marshal outside the door that  
15 you are ready to return.

16 Now, let me talk to you about this verdict form for  
17 just a moment here. As I mentioned to you, it is organized  
18 by counts, Counts 1 through 6. And they instruct you on what  
19 you would answer as to each count. And it instructs you once  
20 you've made a decision, is that what you do next. And you  
21 will see on Count 1 is the only one where you -- on each of  
22 these you start in regard to this, is the defendant guilty or  
23 not guilty. You mark whatever you decide.

24 As to Count 1, conspiracy, should you find the  
25 defendant guilty of conspiracy, and that is entirely your

1 decision, then you will be asked was he guilty of wire fraud,  
2 bank fraud, or both. But that's the only one where you have  
3 to answer, actually answer a subpart. The rest of these,  
4 each of these, say not guilty, guilty. You mark that. Your  
5 decision, of course, must be unanimous and must be beyond a  
6 reasonable doubt.

7 Communicating with the Court. I'm now back on page  
8 40 of the charge. If it becomes necessary during your  
9 deliberations to communicate with me, you may send a note  
10 through the marshal signed by your foreperson or by one or  
11 more members of the jury. No member of the jury should ever  
12 attempt to communicate with me except by signed writing. And  
13 I will communicate with any member of the jury or anything  
14 concerning the case only in writing or orally here in court.  
15 Remember that you are not to tell anyone, including me, how  
16 the jury stands numerically or otherwise until after you have  
17 reached a unanimous verdict or have been otherwise  
18 discharged.

19 Final instructions. I will send a copy of the  
20 verdict form to the jury room. And as I've just explained to  
21 you, where you fill in the blanks here, the verdict form has  
22 blanks for you to fill in not guilty or guilty for each of  
23 the counts. Follow the instructions on the verdict form. I  
24 will send a copy of these jury instructions to the jury room  
25 so that you may refer to them as you fill out the verdict

1 form. That is, each of you will have your own -- will have  
2 your own jury charge. And the foreperson will be in  
3 possession of the verdict form.

4 And after you filled out the entire form, the  
5 foreperson should sign and date it, and advise the marshal  
6 outside your door that you are ready to return to the  
7 courtroom. Again, your verdict on each count charged against  
8 the defendant must be unanimous.

9 Now, I've got to say, the one job I hate, of the  
10 most wonderful job that I have, is that I have to tell  
11 alternates they are not going back to deliberate. All of you  
12 have been incredibly attentive.

13 But, Ms. Perry, can you identify the three  
14 alternates to stay in the courtroom.

15 THE COURT DEPUTY: Juror No. 28, No. 5 and No. 200.

16 THE COURT: The three of you will go to a room. And  
17 the reason we have you there, and you are not to communicate  
18 with anyone, is that should happen where one or more of the  
19 jurors have to -- cannot complete deliberations, I will then  
20 bring in an alternate.

21 So, Ms. Perry, can my three alternates please step  
22 forward here, and then we will have a marshal take them out.

23 (Whereupon, the alternates leave the courtroom.)

24 THE COURT: Ladies and gentlemen, I will now send  
25 you to the jury room. Select your foreperson. And when Ms.

1 Perry comes in with the exhibits, you can begin your  
2 deliberations.

3 (Jury leaves open court at 10:20 a.m.)

4 THE COURT: Please be seated. Beyond the matters we  
5 previously took up in terms of objections to the charge, are  
6 there any additional objections from the Government?

7 MS. LIMEHOUSE: None from the Government, Your  
8 Honor.

9 THE COURT: From the defense?

10 MR. ABEE: No, Your Honor. We just stand by our  
11 objections --

12 THE COURT: Absolutely. You are preserved.

13 Ms. Perry, if you could take the exhibits to the  
14 jury room.

15 (Whereupon, the jury deliberates at 10:22 a.m.)

16 THE COURT: Okay. Counsel, you need to stay in the  
17 courthouse in case we have questions from the jury. I want  
18 to be able to promptly respond. Every once in a while, I  
19 have had counsel, despite my instructions, wander off. Y'all  
20 stick around. Timing is everything here. And we will be in  
21 recess until then.

22 MS. LIMEHOUSE: Thank you, Your Honor.

23 (Whereupon, jury deliberates 10:22 a.m. to 1:12  
24 p.m.)

25 THE COURT: I have a note from the jury. "Your

1 Honor, jury requests court transcripts of Russell Laffitte's  
2 direct and cross-examination as well as the redirect."

3 Now the problem with that is, of course, there is no  
4 transcript right now. And I have observed the rough. And as  
5 hard as Karen has worked, it's not in any condition to be  
6 showing to anybody. She wouldn't want me to do it and I  
7 can't do it. Okay? So, normally, it's not the first time  
8 I've had this request. And they think because the court  
9 reporter is sitting there, you can just push a button and you  
10 would have a transcript.

11 I can tell them that if there are specific portions  
12 of the testimony they would like to have read to them, the  
13 court reporter can do that. We could look and search it and  
14 see if we could find that. But, you know, to do the entire  
15 testimony would probably take a day, you know. And I don't  
16 think anyone wants to do that. And, you know, we don't  
17 really know if -- how concerned they are about this and  
18 whether it was something they just thought they would like to  
19 have or something that's very important. But I don't think  
20 it's practical for them, for my court reporter to read the  
21 entire direct, cross, and redirect, but if there's something  
22 in particular, we could search it. I wouldn't do that  
23 without consulting with counsel and making sure we feel like  
24 that's what they requested.

25 So let's bring in the jury and let me explain this

1 to them.

2 (Whereupon, the jury returns to open court at 1:15  
3 p.m.)

4 THE COURT: Please be seated. Ladies and gentlemen,  
5 I know perfectly natural request is, hey, can we see the  
6 transcript? It's not available. That's the practical  
7 problem. I don't know if you can tell. I have a laptop  
8 here. And my court reporter is providing me very rough.  
9 That's not a valid transcript. The court reporter goes  
10 through it, listens to it, refines it. So we are in no  
11 condition to provide you a transcript.

12 Here's the way it works if somebody wants to hear  
13 testimony over again, is the court reporter reads it.  
14 That's -- and I don't think y'all want me to have her read a  
15 day's worth of testimony. So here's what I suggest to you.  
16 If you need it, I don't know how seriously the issue is. To  
17 just say, hey, we would like to have the transcript, that's  
18 one thing. But if there's a particular area you would like  
19 the testimony, we can try to locate it, and then she can  
20 publish it and read it to you. But that's all we can do now.  
21 We cannot provide you a transcript right now.

22 So why don't y'all go back. And to the extent y'all  
23 want a particular portion published, you know, we will try to  
24 provide it to you. But, you know, I regret to tell you I  
25 just can't push a button and hand you a transcript. Okay?

1 So why don't y'all return to the jury room and just let me  
2 know.

3 (Jury leaves open court at 1:17 p.m.)

4 THE COURT: Please be seated. Any objection to what  
5 the Court stated to the jury from the Government?

6 MS. LIMEHOUSE: No objection, Your Honor.

7 THE COURT: From the defense?

8 MR. DANIEL: There's no objection.

9 THE COURT: Okay. Ms. Perry, can we make this part  
10 of the record. Everyone, we are in recess and be at ease.  
11 If we get something, I will summon you back.

12 (Whereupon, jury continues deliberations 1:18 p.m.  
13 to 3:11 p.m.)

14 THE COURT: I understand that the jury wants to hear  
15 the Board meeting, the DVD of the Board meeting. And, Ms.  
16 Crystal, have we queued it up?

17 THE COURT DEPUTY: I was told to wait on you.

18 THE COURT: You were told good.

19 MS. LIMEHOUSE: We just want to make sure the  
20 transcript, just like it was presented to the jury the first  
21 time, will be presented simultaneous to the recording.

22 THE COURT: I don't have the capacity to do that.  
23 Do you have the ability to do that?

24 MS. LIMEHOUSE: Luckily, they do, yes.

25 THE COURT: So let's queue it up, get it ready. Are



1 we ready? Okay. Let's bring in the jury.

2 (Whereupon, the jury returns to open court at 3:14  
3 p.m.)

4 THE COURT: Please be seated. I understand there  
5 was a desire to listen to the DVD of the Board meeting; is  
6 that correct?

7 JUROR: Yes, sir.

8 THE COURT: We are going to play it right now for  
9 you. Very good.

10 (Whereupon, audio is played.)

11 THE COURT: Very good. You can return to the jury  
12 room.

13 (Jury leaves open court at 3:23 p.m.)

14 THE COURT: Any concerns regarding -- please be  
15 seated. Any concerns from the Government regarding the  
16 Court's exchange with the jury.

17 MS. LIMEHOUSE: No concerns from the Government,  
18 Your Honor.

19 THE COURT: From the defense?

20 MR. DANIEL: Nothing from the defense.

21 THE COURT: We will be in recess.

22 (Whereupon, jury continues deliberations 3:24 p.m.  
23 to 7:43 p.m.)

24 THE COURT: Y'all, please be seated. Let me  
25 provide you two notes I am receiving -- I have now received

1 from a juror. One of them says, "Need antibiotic at 19:21.  
2 I could delay one to two hours. "

3 Second note, "Feeling pressured to change my vote."  
4 Same juror.

5 MR. DANIEL: I'm sorry?

6 THE COURT: "Feeling pressured to change my vote."

7 I don't have any idea, no indication, as we should  
8 not have, about which way that's going. Let me tell you, my  
9 instinct is that we have alternates and we should get to a  
10 verdict, and that it is not practical to get her medicine and  
11 drive back. I don't like this because I'm going to bring the  
12 jury back and tell them they've got to begin their  
13 deliberations again. But I don't know of any other choice I  
14 have. I welcome any thoughts anyone may have.

15 MS. LIMEHOUSE: The Government agrees, Your Honor.

16 MR. DANIEL: Judge, can they just come back in the  
17 morning?

18 THE COURT: Well, we don't have an issue of them not  
19 deliberating. They are deliberating. I mean, we haven't had  
20 any message from them saying that we are having -- we are  
21 stuck or we need -- you know, I haven't gotten where I would  
22 give an Allen charge. I haven't gotten any of that. I get  
23 those from time to time, and I don't have that.

24 You know, you are in the same position. I'm in a  
25 position just trying to be fair. You don't -- you know,

1     could that person be holding out for you or could convict  
2     you? I mean, you know, it's a tough choice. And, you know,  
3     it just strikes me that under this sort of situation, the  
4     better course is -- that's why we have alternates. But I  
5     want to hear from you about this.

6             MR. AUSTIN: Is that the same juror for both notes?

7             THE COURT: Yes, both notes were from the same  
8     juror. I have no idea who it is.

9             MS. LIMEHOUSE: Your Honor, the Government believes  
10    that especially since there's been no indication from the  
11    jury that they are having issues deliberating, that we would  
12    like them to continue to deliberate. Especially with the  
13    impending holiday ahead of us, we would like for them to  
14    continue to deliberate tonight.

15            THE COURT: I could just tell you right now that if  
16    I tell people that they have to come back tomorrow, I don't  
17    think that's in anybody's interest. Okay? And I'm going to  
18    be honest, I'm kind of trying to protect defendants here in  
19    this situation. And I don't think it's in your interest to  
20    try to force people to come back tomorrow. I don't like the  
21    effect that has on pushing people to a verdict.

22            (Whereupon, a jury note is handed to the judge.)

23            THE COURT: Let me read the third note I now  
24    received, which raises an entirely different issue. "Dear  
25    Judge, we are writing this to express a shared concern."

1           This appears to be -- I can't quite figure out. May  
2   be all the other jurors. "On page --"

3           (Whereupon, a jury note is handed to the judge.)

4           THE COURT: Is there another note?

5           THE COURT DEPUTY: Yes, sir.

6           THE COURT: "On page 11, your final charge to us  
7   states that if you let fear or prejudice or bias or sympathy  
8   interfere with your thinking, there is a risk that you will  
9   not arrive at a true and just verdict. A juror's previous  
10   court experience is influencing that juror's ability to  
11   discuss the trial in a group setting. That juror has made  
12   comments on having been bullied as a juror on previous trials  
13   and will not consider the evidence in this trial. The juror  
14   is hostile to hearing any debate from certain other jurors,  
15   and the juror disagrees with your final charge and  
16   specifically the definitions you've provided. We  
17   respectfully ask that you consider speaking to this issue so  
18   that we are able to proceed with deliberations."

19           Now, I do not know that's the same juror. Okay? I  
20   have no idea. Okay?

21           Here's the next one. "Your Honor, can you please  
22   call an alternate as I am experiencing anxiety and unable to  
23   clearly make my decision?" That's a different juror.

24           MR. DANIEL: The same one that has the medication?

25           THE COURT: I think I've now fully disclosed all my

1 notes. Let me just say this. If a juror told me that she  
2 was unable or he was unable -- was unwilling to consider the  
3 evidence because of prior court experience, I would remove  
4 that juror, whatever that is. I have no idea how that falls.  
5 I just would remove someone, because we don't allow people to  
6 serve on juries that don't follow the Court's instructions.  
7 I have no idea if that's the same juror as the one who has  
8 written me about her medicine. I welcome suggestions from  
9 the parties.

10 MS. LIMEHOUSE: Your Honor, we believe that you need  
11 to put two alternates to replace both of those jurors.

12 THE COURT: I mean, we've got three alternates for a  
13 reason.

14 MS. LIMEHOUSE: Also, based on where it's headed, it  
15 seems there's a risk if you only replace the one who says she  
16 can't follow the law, that we might be here again and have to  
17 restart --

18 THE COURT: It could end up, of course, being three  
19 jurors before we know it. And, you know, I don't want to  
20 read tea leaves. I don't know if -- I can't -- you know, we  
21 shouldn't know what they're deliberating. And they are  
22 appropriately not telling me what they are doing. And I have  
23 no idea what they are doing.

24 Mr. Daniel, your suggestions? I value your  
25 experience.

1 MR. DANIEL: Your Honor, just the one about the  
2 hostile juror, can you just read that one last time?

3 THE COURT: I'll be glad -- let me read them all  
4 again. How about that? Okay. The hostile -- it is, "Dear  
5 Judge, we are writing this to express a shared concern. On  
6 page 11, your final charge to us states that if you let fear  
7 or prejudice or bias or sympathy interfere with your  
8 thinking, there is a risk that you will not arrive at a true  
9 and just verdict. A juror's previous court experience is  
10 influencing that juror's ability to discuss the trial in a  
11 group setting. That juror has made comments about having  
12 been bullied as a juror on previous trials and will not  
13 consider the evidence in this trial. The juror is hostile to  
14 hearing any debate from certain other jurors, and the juror  
15 disagrees with your final charge and specifically the  
16 definitions you've provided. We respectfully ask you to  
17 consider speaking to this issue so that we are able to  
18 proceed with deliberations."

19 MR. DANIEL: Disagrees with your final charge? The  
20 final charge, that means the whole charge?

21 THE COURT: I take it that "disagrees with your  
22 final charge and specifically the definitions you've  
23 provided."

24 MR. HOLLIDAY: Your Honor, I think that's an easy  
25 one. That's on the jury questionnaire. They are asked if

1 they can follow the law as they are instructed --

2 THE COURT: This person would be struck. You know,  
3 all I can say is, whether we are talking about two jurors or  
4 three jurors, I haven't any idea. And, you know, if somebody  
5 was calculating this and said, oh, I think they are going to  
6 help me, and you end up keeping them on and, you know,  
7 whatever, you end up convicting your person, you end up with  
8 a conviction, somebody is going to feel pretty silly, and  
9 vice-versa. I mean, so the result, I don't worry about the  
10 result myself. I worry about do I have effective jurors.  
11 And I've got at least a report -- I haven't confirmed it  
12 yet -- that someone won't deliberate. Okay? That's a  
13 problem. That's a problem.

14 And my inclination would be to speak to that juror  
15 and to -- I'm very hesitant to bring the juror into the  
16 courtroom to do that. I think that's a huge mistake. And it  
17 might really be best -- I mean, there's no rule book for this  
18 right now, how do we do this. It may well be that maybe the  
19 best way for me to do it is for me and a court reporter and  
20 my deputy, just to create a record of this, and simply ask  
21 the juror in a conference room, you know, is there a problem.  
22 And if there's not, I'm going to keep her deliberating. You  
23 know, if she says, oh, no, I'm talking, I mean, I am not  
24 going to remove somebody. But if there seems to be a feeling  
25 among the group that this juror is not deliberating, whether

1 that is also the juror -- I mean, I think the one with the  
2 medicine we need to send home. She needs her medicine. I  
3 understand that. If that happens to be the same person, that  
4 happens to be the same person.

5 The person with the anxiety, that's a concern for me  
6 too. I don't want someone who is not functioning to be --  
7 I've got 12 jurors for a reason. The defendant's rights are  
8 protected by having 12 functioning jurors. And it's got to  
9 be unanimous. So I've got a problem having somebody who says  
10 I can't do it anymore. That's my concern.

11 But I want to hear from everybody before I make a  
12 decision, because I think we are on virgin territory. Mr.  
13 Holliday, I've tried a hundred cases myself and then I've  
14 been on the bench for 13 years, I've never had this  
15 experience.

16 MR. HOLLIDAY: That's true. Your Honor, I think we  
17 have three different situations. I would suggest, the person  
18 with the medicine, cannot risk someone's health. So I think  
19 they should be allowed to go home. The person who cannot  
20 follow the law, then they are basically -- they would be  
21 struck for cause. And I think they've indicated now that  
22 they should be struck for cause. The person --

23 THE COURT: If true. If true.

24 MR. HOLLIDAY: Well, nobody --

25 THE COURT: I don't want anybody else ganging up on



1 somebody and trying to bump them off a jury. I need to  
2 confirm that.

3 MR. HOLLIDAY: Right. And then the third one, your  
4 suggestion as far as speaking -- speaking to the juror,  
5 finding out whatever, I think that's still a viable juror,  
6 the third one.

7 THE COURT: The anxious one?

8 MR. HOLLIDAY: Yes. But I think if someone has  
9 indicated that they cannot follow the law, that's a toxic  
10 juror, Your Honor. And I don't think there's any redemption  
11 from writing that.

12 THE COURT: Well, I've got to confirm that. I can't  
13 let a juror be bumped out one way or the other who says,  
14 that's not accurate, I'm fully participating, they just don't  
15 agree with me. That -- you know, that's not a juror I  
16 remove. I mean, that's a -- you know, I tell them in my  
17 charge hold your convictions whatever that is. So --

18 MR. HOLLIDAY: What bothered me about that, Your  
19 Honor, though, is the indication that there was some prior  
20 experience --

21 THE COURT: Well, that bothers me a lot. If that  
22 is, in fact, true that someone's prior experience -- you  
23 know, we've heard about this, that people get in a jury room  
24 and they say, I never told anyone but I was sexually abused  
25 and, you know, kind of it creates -- just blows up the whole

1 case. Right? We can't have that. But I've got to confirm  
2 it. I can't rely on someone else's account. I will need --  
3 with the consent of the parties, we are going to set up a  
4 place where I will take a court reporter, and without anyone  
5 present but the court reporter, I will create a record. And  
6 with my deputy and my court reporter, I will ask the juror if  
7 there's a problem.

8 MS. LIMEHOUSE: Your Honor, we would request that  
9 you maybe do the same thing with the juror who's reporting  
10 being anxious. There could be a contribution. This sort of  
11 environment could be contributing to the anxiety that could  
12 be alleviated depending on how you decide to handle the  
13 jurors.

14 THE COURT: Do I have the consent of the parties for  
15 me creating a record to question the juror?

16 MS. LIMEHOUSE: Yes, as long as it's on the record,  
17 we have no objection, Your Honor.

18 THE COURT: Mr. Daniel?

19 MR. DANIEL: Yes, you do have the consent, Your  
20 Honor.

21 THE COURT: Okay. Let me ask Ms. Perry. Crystal,  
22 where can we go?

23 MR. DANIEL: Does the note use a pronoun, with the  
24 juror that's got a strongly held conviction or just will not  
25 budge because of some previous jury --

1 THE COURT: No gender.

2 MR. DANIEL: Is there a pronoun?

3 THE COURT: No pronoun.

4 MR. DANIEL: So we don't know if it's a he or she?

5 MR. HOLLIDAY: How is that even relevant?

6 THE COURT: Thank you. You shouldn't know that, but  
7 there is not. I published the thing to you. Of course, I've  
8 got to figure out a way I can discern who this juror is.

9 MR. HOLLIDAY: Your Honor, I would suggest -- we are  
10 all just thinking here -- if you went into the room and you  
11 would say, I have a series of notes and any juror who feels  
12 the need to speak to me in private, I will be willing to  
13 speak to them over here. And just hear what they have to  
14 say. I think that would avoid singling anyone out that's in  
15 that room who might feel uncomfortable talking to you.

16 THE COURT: Well, I don't want other people around  
17 when I speak to them.

18 MR. HOLLIDAY: Right. Right.

19 THE COURT: That's why we are going to go down to  
20 Courtroom 4. But the question is --

21 MR. DANIEL: Judge, we don't have any objection to  
22 you just asking the foreperson which juror number that is.

23 THE COURT: Well, I can get Ms. Perry to do that  
24 without me going into that.

25 Okay. Ms. Perry, I want you to go in and see if you

1 can get -- ask them to identify the juror number, because  
2 that may solve several problems if there's an overlap there.

3 MR. DANIEL: Judge, we've both been doing this  
4 awhile --

5 THE COURT: We litigated against each other and with  
6 each other. I tell you, this is a different experience.

7 THE COURT DEPUTY: He didn't know the number. I'm  
8 going to get her number from the name.

9 MR. HOLLIDAY: Your Honor, I would suggest that we  
10 don't need to know any more.

11 THE COURT: Okay. I'm going to take action. Fair  
12 enough? Everybody happy with that?

13 MR. HOLLIDAY: Yes. Thank you, Judge.

14 (Whereupon, an in-camera interview takes place with  
15 the juror at 8:20 p.m. to 8:23 p.m.)

16 (8:27 p.m.)

17 THE COURT: Let me report back to counsel. The  
18 juror regarding the medicine has been replaced and has been  
19 allowed to go home.

20 I spoke with the juror expressing anxiety. And she  
21 asked to be relieved and said she wasn't able to go forward,  
22 and I removed her. I relieved her. I granted her request  
23 to -- for an alternate. I just basically said to her, tell  
24 me, can you do your duties? And she said, I cannot do my  
25 duties. She's got medication issues herself, anxiety issues.

1 And I relieved her.

2 And the decisions I've made resolved the other  
3 issue, so I didn't have to address it. That was the longer  
4 one. I never had to address it. I understood that it took  
5 care from those other decisions.

6 And I'm going to bring the jurors in to tell them  
7 they have to begin their deliberations again because there  
8 are new jurors.

9 MR. HOLLIDAY: Thank you, Your Honor. We appreciate  
10 your thoughtfulness.

11 MR. DANIEL: Do you know how --

12 MR. AUSTIN: Your Honor, I couldn't hear --

13 THE COURT: Mr. Austin, I hope you are not  
14 developing hearing problems hanging around Mr. Daniel too  
15 much. So the answer was, I relieved one juror because of  
16 her -- the medication issue. And I relieved one juror  
17 because of the anxiety issue. We have replaced both of them.

18 I need to bring the jurors in, all 12, to say they  
19 need to begin their deliberations again because we have  
20 brought an alternate into the room. Okay?

21 Can we bring in the jury.

22 MR. DANIEL: Your Honor, just for the record --

23 THE COURT: Hold a second.

24 Yes, sir, Mr. Daniel.

25 MR. DANIEL: Judge, we would object not to the juror

1 that was replaced for medication. We agreed with that. We  
2 agreed with that at the time. But the second juror that was  
3 replaced about the anxiety is the one we would like to  
4 take -- make an objection to.

5 THE COURT: You can make an objection. That one --  
6 and there's a record -- she is emotionally very fragile. She  
7 could hardly speak to me. And she explained to me she was on  
8 anxiety medication and that she was not physically capable or  
9 emotionally capable of going forward. I didn't think I had  
10 any choice. We never got into what's going on in the jury  
11 room or anything like that. It was -- and she was shaking  
12 when she was speaking to me. There wasn't any confusion  
13 about that one. Okay?

14 Let's bring the jury in.

15 (Whereupon, the jury returns to open court at 8:31  
16 p.m.)

17 THE COURT: Please be seated. Ladies and gentlemen,  
18 obviously, you've had some changes in your ranks. And the  
19 requirement is that you need to begin your deliberations  
20 again to bring your other two, the two jurors who have not  
21 been included, into those discussions, because it needs to be  
22 the decision of all 12 of you. Obviously, the 10 of you are  
23 more advanced than the other two, but you need to go back  
24 into the deliberations and y'all need to walk through those  
25 again. Okay? If you could return to the jury room. Thank

1 you for your constant attention.

2 (Jury leaves open court at 8:32 p.m.)

3 THE COURT: Folks, I think we followed the path  
4 we've talked about following. And we will be in recess.  
5 Please be seated. We will be in recess until the jury makes  
6 a decision, if at all.

7 MR. DANIEL: Thank you, Your Honor.

8 MS. LIMEHOUSE: Thank you, Your Honor.

9 (Whereupon, jury deliberates 8:33 p.m. to 9:22 p.m.)

10 (Whereupon the alternate is excused.)

11 THE COURT: Yes, sir, Mr. Austin.

12 MR. AUSTIN: Your Honor, real quickly. Mr. Daniel  
13 had noted his objection earlier to swapping out the  
14 alternate.

15 THE COURT: I did what y'all asked me to do.

16 MR. AUSTIN: Your Honor, I am not asking you to do  
17 anything differently now. Our understanding is that's  
18 essentially, with the case law, it's akin for moving to a  
19 mistrial. And just for the sake of the record, we just  
20 wanted to bring that up. We object to replacement of one  
21 juror.

22 THE COURT: On what basis? Because I asked you what  
23 did you want me to do on these? And we agreed I would talk  
24 to the juror, who could hardly speak, she was so emotionally  
25 upset. And I asked her if she could serve. There's a record

1 of this. And she asked me to remove her, as she had written  
2 me already and asked me to remove her. So I was doing  
3 exactly what we all agreed I would do.

4 I'm a little perplexed by that, Mr. Austin, to after  
5 the fact coming in and start complaining about something on a  
6 procedure we had agreed to already.

7 MR. DANIEL: I thought we did object.

8 MR. AUSTIN: I think he did take exception to that  
9 on the record, Your Honor.

10 MS. LIMEHOUSE: Your Honor, after you had already  
11 done what we agreed to do --

12 THE COURT: Correct, I had done it. I told you this  
13 is what we were going to do.

14 MR. AUSTIN: I thought we were just going to be  
15 interviewing them, not necessarily replacing them. We are  
16 not trying to -- it's a strange, fluid situation.

17 THE COURT: You know, I try to be as transparent as  
18 I could. I read everybody everything. I asked you what you  
19 wanted me to do. I interviewed the juror, who was plainly  
20 incapable of continuing, and she was in an emotional  
21 meltdown. And I removed her. And that's what I understood  
22 y'all -- we had agreed that I would interview her and I would  
23 make a decision.

24 Now you now, after the fact, want to change that.  
25 You are a little -- moment late. I already sent her home



1 following the procedure.

2 MR. DANIEL: Your Honor, I think if you look at the  
3 record -- we don't need to do it now, Your Honor -- but I  
4 objected and took exception to it, not initially, but when  
5 you came back. We thought you were coming back to tell us  
6 what the juror said or to give us what your decision would be  
7 so that we could object to it and not --

8 THE COURT: Okay. So you are now telling me that  
9 had I come back and told you that she was emotionally  
10 incapable of functioning and she asked me again to remove  
11 her, that you would have objected to that?

12 MR. DANIEL: I did object to it.

13 MR. AUSTIN: Yes, Your Honor. I think we would  
14 stated that it's a hung jury.

15 THE COURT: It's not a hung jury. I have  
16 alternates.

17 MR. AUSTIN: We think -- we don't see how they could  
18 restart deliberations at this point this late in the game.

19 THE COURT: Of course, they can. That's the  
20 process. When you replace a juror, they have to restart  
21 deliberations. I brought them in here and told them to  
22 restart it.

23 MR. AUSTIN: We just want to note for the record --

24 THE COURT: Okay. You know, folks, to come in after  
25 the fact here, after the Court laid it all out and we agreed

1 on a process, I thought it was very clear, and I did -- but  
2 there's a record of her I don't think anybody would really  
3 question. It's all on the record about what she told me.  
4 And I was, of course, following up on her request that she be  
5 removed and told me she could explain it to me, and she did.  
6 I don't want to invade her privacy. But she is on  
7 significant medication. And she was, in my estimation, in an  
8 emotional meltdown situation. Okay?

9 Let's bring in the jury.

10 (Whereupon, the jury returns to open court at 9:26  
11 p.m.)

12 THE COURT: Please be seated. I always have a  
13 subtle hint that the guy holding the blue-back verdict form  
14 is the foreman. Am I correct in that, sir?

15 THE FOREPERSON: Yes.

16 THE COURT: Has the jury -- Mr. Foreman, has the  
17 jury reached a unanimous verdict?

18 THE FOREPERSON: We have, Your Honor.

19 THE COURT: Ms. Perry, can you please retrieve the  
20 verdict form. Ms. Perry, could you please publish the  
21 verdict. It's in proper form.

22 THE COURT DEPUTY: May it please the Court. In the  
23 case of the United States of America v. Russell Lucius  
24 Laffitte, Criminal No. 922-658, we, the jury, unanimously  
25 find as follows: Count 1, in regard to the charge of

1 conspiracy to commit wire fraud and bank fraud, we find  
2 defendant, Russell Laffitte, guilty.

3 As to Count 1, we find the object of the conspiracy  
4 was both wire and bank fraud.

5 Count 2, in regard to the charge of bank fraud, we  
6 find the defendant, Russell Lucius Laffitte, as the principal  
7 aider and abettor and/or co-participant in a jointly  
8 undertaken criminal activity, guilty.

9 Count 3, in regard to the charge of wire fraud, we  
10 find the defendant, Russell Lucius Laffitte, as a principal  
11 aider and abettor and/or co-participant in a jointly  
12 undertaken criminal activity, guilty.

13 Count 4, in regard to the charge of misapplication  
14 of bank funds relating to the distribution of \$680,000 in  
15 bank funds to the Peters Murdaugh Parker Eltzroth & Detrick,  
16 PA Law Firm, we find the defendant, Russell Lucius Laffitte,  
17 as the principal aider and abettor and/or co-participant in a  
18 jointly undertaken criminal activity, guilty.

19 Count 5, in regard to the charge of misapplication  
20 of bank funds relating to funding a \$750,000 bank loan to  
21 Alex Murdaugh, we find the defendant, Russell Lucius  
22 Laffitte, as a principal aider and abettor and/or  
23 co-participant in a jointly undertaken criminal activity,  
24 guilty.

25 Count 6, in regard to the charge of misapplication

1 of bank funds relating to funding of a \$500,000 line of  
2 credit to Alex Murdaugh, we find the defendant, Russell  
3 Lucius Laffitte, as the principal aider and abettor and/or  
4 co-participant in a jointly undertaken criminal activity,  
5 guilty. Signed by the foreperson on November the 28th,  
6 2000 -- November 22nd, 2022.

7 THE COURT: Ms. Perry, could you please poll the  
8 jury.

9 THE COURT DEPUTY: Ladies and gentlemen, when your  
10 number is called, please indicate if this is your true and  
11 correct verdict. Juror No. 28?

12 JUROR: Yes.

13 THE COURT DEPUTY: No. 9?

14 JUROR: Yes.

15 THE COURT DEPUTY: No. 5?

16 JUROR: Yes.

17 THE COURT DEPUTY: No. 55?

18 JUROR: Yes.

19 THE COURT DEPUTY: No. 17?

20 JUROR: Yes.

21 THE COURT DEPUTY: No. 205?

22 JUROR: Yes.

23 THE COURT DEPUTY: No. 111?

24 JUROR: Yes.

25 THE COURT DEPUTY: No. 25?

1 JUROR: Yes.

2 THE COURT DEPUTY: No. 6?

3 JUROR: Yes.

4 THE COURT DEPUTY: No. 189?

5 JUROR: Yes.

6 THE COURT DEPUTY: 173?

7 JUROR: Yes.

8 THE COURT DEPUTY: And 60?

9 JUROR: Yes.

10 THE COURT: All the jurors have indicated affirmness  
11 that this is their true and proper verdict. Please roll the  
12 verdict, roll the judgment. I'm now going to ask the jury to  
13 return to the jury room. I'm going to come back in the jury  
14 room to just thank you for your service in just a moment.  
15 Okay.

16 (Jury leaves open court at 9:32 p.m.)

17 THE COURT: Please be seated. Does the Government  
18 object to the continuation of bond for the defendant?

19 MS. LIMEHOUSE: No objection from the Government,  
20 Your Honor.

21 THE COURT: Mr. Laffitte, you obviously are now  
22 convicted in federal court and you must abide by bond. And I  
23 think it's appropriate to continue the bond, because you have  
24 been fully compliant throughout the time you have been on  
25 bond.

1 I want to set a deadline of 14 days for any  
2 post-trial motions under Rule 29(c)(1). Are there further  
3 matters to come before the Court at this point, from the  
4 Government?

5 MS. LIMEHOUSE: Nothing from the Government, Your  
6 Honor.

7 THE COURT: From the defense?

8 MR. DANIEL: Nothing from the defense, Your Honor.


9 THE COURT: Very good. We stand adjourned.

10 (Whereupon, the proceedings are adjourned.)  
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CERTIFICATE OF REPORTER

I, Karen V. Andersen, Registered Merit Reporter,  
Certified Realtime Reporter for the State of South Carolina  
at Large, do hereby certify that the foregoing transcript is  
a true, accurate and complete Transcript of Record of the  
proceedings.

I further certify that I am neither related to nor  
counsel for any party to the cause pending or interested in  
the events thereof.

  
Karen V. Andersen  
Registered Merit Reporter  
Certified Realtime Reporter